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Frank O. Zindel, Engelbert Schreiber, Sr.
and Engelbert Schreiber, Jr.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (RCC) ECF Case
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This document relates to:

Estate of O'Neill, et al. v. The Republic of Iraq, et al., Case No. 04 CV 1076 (RCC)
(S.D.N.Y.)

Estate of O'Neill, et al. v. Al Baraka, et al., Case No. 04 CV 1923 (RCC) (S.D.N.Y.)

**DECLARATION OF FRANK O. ZINDEL IN SUPPORT OF THE MOTION TO
DISMISS OF SCHREIBER & ZINDEL TREUHAND ANSTALT, FRANK O. ZINDEL,
ENGELBERT SCHREIBER, SR., AND ENGELBERT SCHREIBER, JR.**

Frank O. Zindel declares and states:

1. I am a citizen of Switzerland, and I reside at Fürst-Johannes-Strasse 5a, Vaduz, Liechtenstein.

2. I make this Declaration in support of the Motion to Dismiss the O'Neill Plaintiffs' Second Amended Complaints in each of the above-referenced actions against Defendants Schreiber & Zindel Treuhand Anstalt, Frank O. Zindel, Engelbert Schreiber, Sr., and Engelbert Schreiber, Jr.

3. I have personal knowledge of the matters set forth in this Declaration. If called as a witness in a proceeding, I would be able to testify to the matters set forth in this Declaration. To the extent matters set forth here relate to Schreiber & Zindel Treuhand Anstalt ("Schreiber & Zindel"), I have personal knowledge of those matters as well and I am authorized by the firm to make this Declaration on its behalf.

4. I received my Doctorate in Law from Zurich University in Zurich, Switzerland in 1995. I graduated *summa cum laude*. I was admitted to the bar of Switzerland in 1996. Prior to joining Schreiber & Zindel in 1998, I worked for the following firms: Edasco Group at its offices in London, Jersey and the Isle of Man; Banque Nationale de Paris Jersey Trust Corporation Limited at its office in Jersey; and Banque Nationale de Paris Private Bank & Trust Cayman Limited at its office in the Cayman Islands.

5. Since 1998 I have been employed by Schreiber & Zindel. I became a partner in the firm in 2002.

6. Schreiber & Zindel is organized as an "anstalt" under the laws of Liechtenstein and maintains its principal place of business at Kirchstrasse 39, Vaduz, FL-9490, Liechtenstein. The firm also has offices at Kirchstrasse 33, Vaduz and at Arnikaweg 15, Vaduz.

7. An "anstalt," which is also sometimes referred to as an "establishment," is a form of entity that is peculiar to Liechtenstein. An anstalt must be licensed by the Liechtenstein

government in order to conduct business. Licensure ensures that the principals of the firm have sufficient education and that the affairs of the firm are properly conducted. Schreiber & Zindel is a licensed trust company. An anstalt is authorized by law to carry out all forms of commercial and non-commercial activities, including the holding of passive investments. It has no shareholders and no members. Rights relating to the anstalt are called "founders' rights" and these rights can be allocated as directed by the founders. I am authorized to act on behalf of Schreiber & Zindel and have been accorded certain founders' rights. Similarly, Mr. Schreiber, Sr. and Mr. Schreiber, Jr. have been accorded certain founders' rights and are authorized by the firm to act on its behalf under certain circumstances. All of the persons who are authorized to act on behalf of Schreiber & Zindel are either citizens and residents of Liechtenstein or Swiss citizens who reside in Liechtenstein, and they do not regularly travel to the United States for any purpose.

8. Schreiber & Zindel is in the business of organizing and administering entities in Liechtenstein. Such entities include, in accordance with Liechtenstein laws, anstalts, corporations limited by shares, corporations not limited by shares, trusts and foundations.

9. The firm's clients are individuals, financial institutions and professionals who act on behalf of their individual or corporate clients. We do not solicit for clients in the State of New York or in the United States either directly or through any agents or representatives.

10. Schreiber & Zindel is not registered, authorized, or licensed to conduct business in the State of New York or anywhere else in the United States.

11. Schreiber & Zindel is not authorized to transact business as a foreign corporation in the State of New York or anywhere else in the United States.

12. Schreiber & Zindel has not solicited, operated, conducted, or carried on business in the State of New York or anywhere else in the United States.

13. Schreiber & Zindel has no agents, representatives, or employees living, working or transacting business, of any nature, in the State of New York or anywhere else in the United States on its behalf.

14. Schreiber & Zindel does not maintain any office or place of business in the State of New York or anywhere else in the United States.

15. Schreiber & Zindel does not direct any advertising towards the State of New York or the United States generally.

16. All of Schreiber & Zindel's formal business documents, including financial statements, are located outside of the United States.

17. Schreiber & Zindel does not possess or maintain a telephone listing or number in the State of New York or anywhere else in the United States.

18. Schreiber & Zindel does not own, lease or have any interest in real or personal property in the State of New York or anywhere else in the United States.

19. Schreiber & Zindel does not maintain or possess any bank accounts in the State of New York or anywhere else in the United States.

20. Schreiber & Zindel has no general or authorized agent for service of process in the State of New York or anywhere else in the United States.

21. Schreiber & Zindel has not filed any suit in any court or availed itself of any right to commence legal action in the State of New York or anywhere else in the United States.

22. Schreiber & Zindel has not been subject or submitted to the jurisdiction of any court in the State of New York or anywhere else in the United States.

23. I last visited the United States in 2001 while on vacation in New York City for four days. Prior to this occasion, I visited the United States in 1991 on behalf of a former employer on a business trip that lasted just a couple of days. I also vacationed once in Hawaii. I once changed airline flights in Miami on my way to another country from Europe.

24. On my own behalf I have never directly or through an agent:

- (a) solicited, operated, conducted, or carried on business in the State of New York or anywhere else in the United States;
- (b) had or maintained an office or place of business in the State of New York or anywhere else in the United States;
- (c) employed or authorized an agent or employee to transact business within the State of New York or anywhere else in the United States on my behalf;
- (d) entered into any contracts to be performed in the United States;
- (e) received or contracted to receive services to be performed on my behalf in the State of New York or anywhere else in the United States (except for the retention of Schiff Hardin LLP for this litigation);
- (f) owned, leased, used or possessed any real estate or other personal property within the United States;

- (g) held investments in the United States (other than the ownership of securities in United States companies);
- (h) maintained any bank or brokerage accounts in the State of New York or anywhere else in the United States;
- (i) filed any tax returns in the State of New York or anywhere else in the United States;
- (j) been licensed or registered to do business in the State of New York or anywhere else in the United States;
- (k) filed any suit in any court or availed myself of any right to commence legal action in the State of New York or anywhere else in the United States;
- (l) been subject or submitted to the jurisdiction of any court in the State of New York or anywhere else in the United States.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: May 20, 2005



Frank O. Zindel